

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Jane Doe 1, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

Deutsche Bank Aktiengesellschaft, et. al.,

Defendants.

Case No. 1:22-CV-10018 (JSR)

**DECLARATION OF DAVID BOIES IN SUPPORT OF PLAINTIFF JANE
DOE 1'S MOTION FOR CLASS CERTIFICATION**

I, David Boies, declare as follows:

1. I am a member in good standing of the bar of the State of New York and am admitted to practice before this Court. I am the Chairman and a Managing Partner of Boies Schiller Flexner ("BSF"). I make this declaration on my own personal knowledge, and if called as a witness to testify, I could and would testify competently to the following facts.

2. I submit this declaration in support of the motion filed by Jane Doe 1 for class certification and approval of BSF as Class Counsel. My firm and I represent Class Representative, Jane Doe 1, in the above-captioned action, and we respectfully request the Court approve our firm as Class Counsel in this action.

A. Relevant Firm Expertise

3. BSF has a strong record of successfully and diligently representing plaintiffs in complex class action litigation. Recent cases in which BSF or its partners were lead or co-lead counsel include: *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), in which

the court granted preliminary approval of a settlement last month; *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), an antitrust class action in which the Firm achieved both what the court referred to as “historic” injunctive relief and a \$2.7 billion award in a settlement that received final approval last October; *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), in which the Firm obtained a recovery of more than \$1.5 billion in a products liability class action, which is still proceeding against certain defendants but in which there has already been a recovery of more than 1.5 billion dollars; *In re Halliburton Securities Litigation* (13-317), in which the firm won two appeals to the United States Supreme Court before achieving a \$100 million recovery.

4. Other notable cases in which the Firm or its partners were lead counsel include *In re Auction House Antitrust Litigation* (1:00-cv-00648) (S.D.N.Y.), in which the firm won \$512 million in an antitrust class action after prior interim lead counsel valued the case at less than \$100 million.

5. BSF has the resources and expertise to devote to this action, which requires dealing with what I know to be very capable, aggressive, and well-financed lawyers representing the Defendants.

6. BSF has already expended, and will continue to expend, substantial time and resources in actively and diligently litigating this action. I, along with my fellow partners Sigrid McCawley and Andrew Villacastin and the rest of our litigation team, have already devoted more than 3,300 hours and substantial resources in developing Doe’s case and undertaking substantial fact discovery. The expenses that BSF has already incurred include the retention of expert witnesses, consultants, and an e-discovery vendor. BSF also took a lead role in drafting Doe’s opposition to Defendants’ motion to dismiss and arguing it before the Court, resulting in the Court

denying Defendants' motion and allowing the matter to proceed through discovery. BSF has also conducted eight depositions to date, and is currently reviewing the over 170,000 documents produced by Defendants in order to further develop the class members' claims.

B. Team Members

7. The BSF team includes myself, Sigrid McCawley, Andrew Villacastin, and twenty other lawyers as well as a full support staff led by experienced paralegals.

8. **David Boies:** I personally served as co-lead counsel in cases such as *In re Grupo Televisa Securities Litigation* (1:18-cv-01979) (S.D.N.Y.), *In re Halliburton*, *In re Blue Cross Blue Shield Antitrust Litigation* (2:13-cv-20000) (N.D. Ala.), *In re Takata Airbag Products Liability Litigation* (1:15-md-02599) (S.D. Fla.), *In re Vitamins Antitrust Litigation* (Nos. 99-7256, 99-7281) (D.D.C.).

9. I, along with Ms. McCawley, have represented survivors of Jeffrey Epstein's sex trafficking enterprise since June 2014. We brought our first case on behalf of survivors against Ghislaine Maxwell in 2015 and our first case against Jeffrey Epstein on behalf of survivors in 2016. We have also represented survivors in civil litigation against Epstein's Estate after his death, *see Farmer v. Indyke, et al.* (No. 1:19-cv-10474); *Farmer v. Indyke, et al.* (No. 1:19-cv-10475); *Helm v. Indyke, et al.* (No. 1:19-cv-10476); *Bryant v. Indyke, et al.* (No. 1:19-cv-10479); *Doe 1000 v. Indyke, et al.* (No. 1:19-cv-10577), and numerous survivors who made applications to the Epstein Victim's Compensation Fund. We have also been representing an Epstein survivor in her civil lawsuit against Prince Andrew, *Giuffre v. Andrew* (21-cv-6702) (S.D.N.Y.).

10. **Sigrid McCawley:** Sigrid McCawley is a Managing Partner of BSF. Ms. McCawley's experience and talents have been nationally recognized, having been named Litigator of the Year by The American Lawyer, Top Ten Female Litigator in 2020–2022 by Benchmark

Litigation, a finalist for Lawyer of the Year by the American Lawyer in 2022 and a finalist for Attorney of the Year in Florida by Daily Business Review, and numerous other awards. Ms. McCawley has handled some of BSF's most challenging disputes, including securing a \$100 million victory in the landmark case before the U.S. Supreme Court in *In re Halliburton Securities Litigation* (No. 13-317).

11. Ms. McCawley's experience in the representation of survivors of sexual abuse is also well-documented. As noted above, Ms. McCawley has devoted years of her career to advocating on behalf of survivors of Jeffrey Epstein, including in cases against Prince Andrew, Ghislaine Maxwell, and the Epstein Estate. Ms. McCawley was recognized by Forbes Magazine for her "iron clad interrogation skills" during the deposition of Ghislaine Maxwell. Her work contributed to the arrest of Jeffrey Epstein, Ghislaine Maxwell, and Jean Luc Brunel, and resulted in a successful resolution of claims for numerous Epstein survivors. Ms. McCawley's work for survivors of Jeffrey Epstein has appeared on Netflix, Lifetime, 60 Minutes, ABC, NBC, CBS, CNN, and Fox, and Ms. McCawley has been further featured in The New York Times and The Wall Street Journal.

12. **Andrew Villacastin:** Andrew Villacastin is a partner at BSF. In 2022, Mr. Villacastin was recognized in the 2023 edition of Best Lawyers in America as Ones to Watch for his work in commercial litigation. Mr. Villacastin also has significant experience litigating class actions—he is currently defending a life insurance company in multiple class action lawsuits and has represented a major bank in multidistrict LIBOR-related actions involving antitrust, securities, RICO, Commodities Exchange Act, and state law claims. As mentioned above, Mr. Villacastin has been a zealous advocate for survivors of Jeffrey Epstein for four years and has worked on many of the aforementioned Epstein-related cases alongside Ms. McCawley.

13. I assure the Court that we have carefully read and understood the Court's Orders regarding the case and the role of Class Counsel.

C. Exhibits in Support of Motion for Class Certification

14. Attached are true and correct copies of the following documents:

- a. **Exhibit A:** Declaration of Bradley J. Edwards, dated April 28, 2023
- b. **Exhibit B:** Declaration of Paul G. Cassell, dated April 28, 2023
- c. **Exhibit C:** Amended Expert Report of Jane Khodarkovsky, dated March 6, 2023, and filed under seal pursuant to the Protective Order in this matter
- d. **Exhibit D:** Palm Beach Police Department Incident Report dated February 17, 2006
- e. **Exhibit E:** Complaint filed in *Doe v. Indyke, et al.*, 21-cv-08469 (S.D.N.Y.), ECF No. 1
- f. **Exhibit F:** Excerpts of a deposition dated June 20, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- g. **Exhibit G:** Excerpts of the deposition of Johanna Sjoberg dated May 18, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- h. **Exhibit H:** Article by Emily Shugerman dated October 6, 2019, entitled "Epstein Flaunted Girls After His Arrest at Hair Salon for the Stars"
- i. **Exhibit I:** Notes of an FBI interview of Virginia Giuffre dated July 5, 2013, unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- j. **Exhibit J:** Palm Beach Police Department victim interview dated October 11, 2005

- k. **Exhibit K:** Amended Complaint filed in *Doe 43 v. Epstein, et al.*, 17-cv-00616 (S.D.N.Y.), ECF No. 45
- l. **Exhibit L:** Complaint filed in *Katlyn Doe v. Indyke, et al.*, 19-7771 (S.D.N.Y.), ECF No. 1
- m. **Exhibit M:** Excerpts of the deposition of Rinaldo Rizzo dated June 10, 2016, in *Giuffre v. Maxwell*, 15-CV-07433 (S.D.N.Y.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- n. **Exhibit N:** Excerpts of the deposition of Alfredo Rodriguez dated July 29, 2009, in *Doe No. 2 v. Epstein*, No. 08-cv-80119 (S.D. Fla.), unsealed by the Second Circuit on August 9, 2019, No. 18-2868, ECF No. 283
- o. **Exhibit O:** Complaint filed in *Farmer v. Indyke, et al.*, 19-cv-10475 (S.D.N.Y.), ECF No. 1
- p. **Exhibit P:** Article by Jane Musgrave dated January 23, 2010, entitled “Victims seeking sex offender’s millions see painful pasts used against them”
- q. **Exhibit Q:** Complaint filed in *Doe 1000 v. Indyke, et al.*, 19-cv-10577 (S.D.N.Y.), ECF No. 1
- r. **Exhibit R:** Article by James Beal dated November 23, 2019, entitled “New Epstein victim says he raped her and bragged about Prince Andrew as first pics of his ‘Paedo Island’ emerge”
- s. **Exhibit S:** Complaint filed in *Bryant v. Indyke, et al.*, 19-10479 (S.D.N.Y.), ECF No. 1
- t. **Exhibit T:** Complaint filed in *Helm v. Indyke, et al.*, 19-cv-10476 (S.D.N.Y.), ECF No. 1

- u. **Exhibit U:** Jeffrey Epstein's 2007 Non-Prosecution Agreement
- v. **Exhibit V:** Indictment in *United States v. Epstein*, No. 19-cr-490 (S.D.N.Y.)
- w. **Exhibit W:** Consent Order dated July 20, 2020, entered into between Deutsche Bank and the New York State Department of Financial Service
- x. **Exhibit X:** Document produced by Deutsche Bank, bates stamped DB_00065367, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- y. **Exhibit Y:** Excerpts of the deposition of Amanda Kirby dated April 14, 2023, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- z. **Exhibit Z:** Document produced by Deutsche Bank, bates stamped DB_00023504, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- aa. **Exhibit AA:** Document produced by Deutsche Bank, bates stamped DB_00134099, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- bb. **Exhibit AB:** Document produced by Deutsche Bank, bates stamped DB_00049876, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- cc. **Exhibit AC:** Document produced by Deutsche Bank, bates stamped DB_00048099, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal

- dd. **Exhibit AD:** Document produced by Deutsche Bank, bates stamped DB_00084946, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- ee. **Exhibit AE:** Document produced by Deutsche Bank, bates stamped DB_00084884, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- ff. **Exhibit AF:** Document produced by Deutsche Bank, bates stamped DB_00048091, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- gg. **Exhibit AG:** Document produced by Deutsche Bank, bates stamped DB_00088100, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- hh. **Exhibit AH:** Document produced by Deutsche Bank, bates stamped DB_00236502, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- ii. **Exhibit AI:** Document produced by Deutsche Bank, bates stamped DB_00128639, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- jj. **Exhibit AJ:** Document produced by Deutsche Bank, bates stamped DB_00022685, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal

- kk. **Exhibit AK:** Document produced by Deutsche Bank, bates stamped DB_00083990, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- ll. **Exhibit AL:** Document produced by Deutsche Bank, bates stamped DB_00098242, designated confidential by Deutsche Bank pursuant to the Protective Order in this matter and filed under seal
- mm. **Exhibit AM:** Jeffrey Epstein's 97-page book of contacts ("Black Book")
- nn. **Exhibit AN:** Article by Michele Dargan dated March 11, 2011, entitled "Jeffrey Epstein address book 'Holy Grail' of famous names"
- oo. **Exhibit AO:** Transcript from proceedings before Hon. Richard M. Berman dated August 27, 2019, in *United States v. Epstein*, No. 19-cr-490 (S.D.N.Y.)
- pp. **Exhibit AP:** Epstein Victims' Compensation Program, Announcement of Conclusion of Claims Process, dated August 9, 2021
- qq. **Exhibit AQ:** U.S. Department of Justice Victim Notification Letter to Virginia Giuffre, dated September 3, 2008
- rr. **Exhibit AR:** Epstein Victims' Compensation Program, Frequently Asked Questions, dated June 25, 2020
- ss. **Exhibit AS:** Epstein Victims' Compensation Program, Protocol, dated May 29, 2020

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 28, 2023

Respectfully Submitted,

By: /s/ David Boies

David Boies

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